

REMARKS

This is in response to the Office Action dated November 28, 2005. Claims 1-40 are pending.

Applicant notes with appreciation the Examiner's allowance of claims 1-6, 13-18, 25, 26, 29, 30, 33, 34 and 37.

Claim 7 stands rejected under 35 U.S.C. Section 103(a) as being allegedly unpatentable over Chen in view of Tsukuda. This Section 103(a) rejection is respectfully traversed for at least the following reasons.

Claim 7 requires "a magnetic layer, made of amorphous magnetic material, for magnetically recording information, and subsequent layers provided on the magnetic layer; wherein the magnetic layer has bumps on a surface thereof, height of the bumps on a surface of the magnetic layer is not less than 2% with respect to an average layer thickness of the magnetic layer, and the bumps propagated through to the surfaces of the subsequent layers are provided with a shape different to that of the bumps on the surface of the magnetic layer." The cited art fails to disclose or suggest these features of claim 7.

First, claim 7 requires a magnetic layer made of *amorphous* magnetic material, wherein the height of bumps on a surface thereof is not less than 2% of the average thickness of the amorphous magnetic layer. The cited art fails to disclose or suggest this. The focus of claim 7 is the bumps provided on a surface of an *amorphous* magnetic layer. Chen fails to disclose or suggest a magnetic layer made of an *amorphous* material. Instead, Chen's alleged magnetic layer is *polycrystalline* as explained in Chen's abstract. It will be appreciated that Chen teaches directly away from this important aspect of claim 7. Citation to Tsukuda cannot cure the aforesaid fundamental flaw in Chen.

Second, while Chen in Figs. 4-5 illustrates an alleged magnetic layer 16, Chen does not illustrate any subsequent layer in Figs. 4-5; thus, it is not possible to tell what happens in any subsequent layer. The Office Action has *admitted* that Chen *fails* to disclose or suggest that bumps propagated through to the surfaces of overlying subsequent layers are provided with a shape different than that of the alleged bumps on the surface of the alleged magnetic layer. Recognizing this fundamental flaw in Chen, the Office Action cites to Tsukuda. However, unlike Chen, Tsukuda relates to an *optical* disc which is made of material much different than a magnetic disc. Optical and magnet discs are vastly different in terms of structure, recording layers, materials, and how they are made. The USPTO has expressly recognized the significant differences between magnetic and optical discs by classifying optical discs in Class 369 whereas magnetic discs are not classified in this class. One of ordinary skill in the art would never have looked to the materials or structure of an *optical* disc for teachings relevant to *magnetic* discs – the two are non-analogous. Moreover, the structure of Tsukuda relates to guide grooves in the layers of an optical disc, which are not even present in the magnetic disc of Chen. One of ordinary skill in the art would never have used the optical guide grooves of Tsukuda in the magnetic disc of Chen because they would provide no functionality or purpose in Chen. Accordingly, there is no suggestion or motivation in the art which would have caused one of ordinary skill to have modified Chen to cause bumps propagated through to the surfaces of overlying subsequent layers to be provided with a shape different than that of the alleged bumps on the surface of the alleged magnetic layer.

Third, the cited art fails to disclose or suggest the bumps required by claim 7. Claim 7 requires bumps provided on a surface of an *amorphous* magnetic layer, where the height of the bumps on a surface of the amorphous magnetic layer is not less than 2% with respect to an

average layer thickness of the magnetic layer. As explained above, Chen fails to disclose or suggest an amorphous magnetic layer, and is entirely unrelated to the invention of claim 7 for this reason. Moreover, Chen also fails to disclose or suggests bumps on the surface of an amorphous magnetic layer. Fig. 2 of Chen merely depicts crystal grain shapes, and thus cannot possibly disclose or suggest bumps on the surface of an amorphous magnetic layer as required by claim 7. Additionally, Chen also cannot possibly be said to disclose or suggest bumps provided on a surface of an *amorphous* magnetic layer where the height of the bumps on a surface of the amorphous magnetic layer is *not less than 2%* with respect to an average layer thickness of the magnetic layer as called for in claim 7. Citation to Tsukada cannot cure the aforesaid fundamental flaw in Chen.

For each of the above listed three reasons, the Section 103(a) rejection of claim 7 lacks merit and should be withdrawn.

Claims 19, 27, 31, 35 and 39 also have requirements of (a) "amorphous" magnetic material, (b) bumps on the surface of an amorphous magnetic layer, and (c) wherein the 2% requirement as to the height of the bumps. As explained above, the cited art fails to disclose or suggest these requirements of claims 19, 27, 31, 35 and 39.

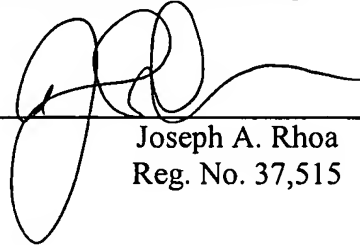
It is respectfully requested that all rejections be withdrawn. All claims are in condition for allowance. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

SATO, J. et al.
Appl. No. 10/679,696
February 27, 2006

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____

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